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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 February 1991, at 10 a.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

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The meeting was called to order at 10.30 a.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1991/21 and Add.1, E/CN.4/1991/22 and 23; E/CN.4/1991/NGO/1 and 8; A/45/564 and Add.1, A/45/590 and 807; A/C.5/45/66; A/RES/45/155 and 180; E/1990/50)

1. Mr. SYMONIDES (United Nations Educational, Scientific and Cultural Organization) said that at the present time more than ever, peace and security could be guaranteed only if they were based on the intellectual and moral solidarity of mankind, upon universal human values and, in particular, upon respect for human dignity, human rights and fundamental freedoms.

2. While not ignoring problems which still existed, it could be said that owing to radical changes in Central and Eastern Europe and the improvement of East-West relations, differences between various concepts of human rights had been replaced by the recognition and common understanding of international human rights standards. That improvement enabled the United Nations system to concentrate its efforts on the promotion of human rights and, primarily, on their implementation, which presupposed complete concordance between national and international standards.

3. He wished to recall that the UNESCO Executive Board had established, in 1978, a special procedure to examine complaints concerning the exercise of human rights within the Organization's spheres of competence, i.e. education, science, culture and information. Any person or group of persons that considered himself or itself a victim of human rights violations or any person or non-governmental organization possessing reliable information concerning such violations, could submit a communication. UNESCO did not play the role of an international judicial body or arbitrator, but helped to resolve problems through confidential consultations. Although the number of communications submitted was still relatively modest, that machinery enabled UNESCO to contribute to the implementation of human rights.

4. It was clear that the degree of awareness of the public and its dedication to the cause of human rights and fundamental freedoms determined the general level of their respect. Consequently, information, teaching and education on human rights were of paramount importance within the activities of UNESCO. To be effective, a complete system for human rights teaching must be made available at all levels of education and to all citizens and population groups. For that purpose, cooperation between the United Nations system, international governmental and non-governmental organizations, international and national institutes and the entire community of educators should be developed.

5. Through its Associated Schools Project, UNESCO was making a notable contribution to the promotion of human rights teaching at the school level; at the present time, that project embraced more than 2,400 primary, secondary, technical and vocational schools as well as teacher-training institutions in 102 member States. It would soon be supplemented by the establishment of a network of associated universities involved in research and teaching of human rights and peace. UNESCO also considered that particular attention should be given to the training of teachers and to certain professional groups with special responsibility in the field of human rights, for example, law enforcement officials, journalists, military personnel, etc.

6. UNESCO's activities gave special emphasis to the interrelationship between respect for human rights and the maintenance of peace, on the one hand, and human rights and democracy, on the other. The latter relationship was of particular importance when democratization processes were so active in many regions of the world. UNESCO hoped to be able to contribute through its action to democracy-building efforts throughout the world. In 1992-1993, a special research project would be undertaken to discuss different aspects of women's participation in the democratization process and the impact of democratization on the implementation of women's rights.

7. Teaching and education for human rights were closely linked with information and documentation. In that regard, it should be noted that UNESCO was preparing, in cooperation with the Centre for Human Rights, an updated, enlarged version of the World Directory of Human Rights Teaching and Research Institutions as well as other publications, including a new edition of a bibliography on human rights.

8. In view of UNESCO's responsibility in the spheres of education, science and culture, his organization could play a specific role in the further elaboration of the content of cultural rights. The results of the research which it intended to carry out in that field would be contained in a number of studies dealing with the cultural rights of minorities in Central and Eastern Europe, and of indigenous peoples in various parts of the world.

9. In light of recent developments, the need for a special instrument on the cultural rights of minorities had been expressed on several occasions. If that idea received the support of the international community, UNESCO was ready to participate actively in the preparation of such a standard-setting instrument. UNESCO was also prepared to participate in the further elaboration of the concept of academic freedom. In that connection, a meeting would be held in 1992, in cooperation with the Centre for Human Rights, to study factors conducive to or impeding the implementation of academic freedom in different regional contexts.

10. He commended the coordinating role of the Centre for Human Rights in mobilizing international and national efforts for the promotion and protection of human rights and, in particular, the competence and vigilant efforts of Mr. Martenson. UNESCO hoped that the support necessary for the various activities of the Centre would be ensured, in accordance with General Assembly resolution 45/180 of 21 December 1990.

11. By another resolution (45/155 of 18 December 1990), the General Assembly had decided to convene a World Conference on Human Rights in 1993. That opportunity should be used to provide a new impetus to human rights teaching

and education throughout the world by the adoption of an international instrument on the subject. He invited the participants at the current session of the Commission to consider the necessity of preparing a draft declaration on the question.

12. Mr. STEEL (Observer for the United Kingdom) said he regretted that some of the documents relating to agenda item 11 were not yet available or had not been so in good time. It was particularly regrettable not to have available the report on intimidation or reprisals against witnesses or victims of human rights violations, as requested by the Commission at its previous session in resolution 1990/76. The United Kingdom delegation therefore reserved the right to speak again on the report, once it was available, in some other suitable context.

13. With regard to preparations for the World Conference on Human Rights scheduled to be held in 1993, he thought it would be premature to begin discussing, at the moment, the shape and content of that Conference's agenda. It was up to the Preparatory Committee, in which the United Kingdom delegation intended to play an active role, to deal with that matter and submit recommendations to the General Assembly.

14. With regard to the Conference's objectives, the United Kingdom authorities felt that the joint statement submitted in June 1990 to the United Nations Secretary-General on behalf of the 12 member States of the European Community, and General Assembly resolution 45/155, constituted a perfectly satisfactory basis.

15. However, the General Assembly had mandated the Commission to make recommendations to the Preparatory Committee on a number of issues mentioned in resolution 45/155. The Commission, therefore, must begin its consideration of the matter, a task which could then be continued at its subsequent sessions prior to the Conference.

16. The first question which the United Kingdom delegation suggested should be addressed was that of participation in the preparatory process itself. The participation must be as broad as possible and include, of course, the Governments of all countries, large and small, regional organizations, whose special experience was of great benefit, and non-governmental organizations, whose contribution to current United Nations human rights activities was invaluable. The latter organizations constituted, so to speak, the front-line soldiers, or the miners at the coalface; they knew, better than most, what was happening and what was wrong, and could say where the existing human rights machinery was inadequate.

17. The Preparatory Committee must also have the assistance of the chairmen and members of the various treaty monitoring bodies. Lastly, and by no means least, there was the Sub-Commission. The latter, at its August 1990 session, had decided to submit to the Secretary-General a short paper, prepared by one non-governmental organization, to be studied within the framework of the objectives for the World Conference; admirable as that paper was, it could not adequately substitute an original contribution by the Sub-Commission itself. The Sub-Commission, therefore, should present a further document when it had had more time to discuss the subject.

18. Mr. TARDU (International Centre of Sociological, Penal and Penitentiary Research and Studies) said that he welcomed the organizing of a World Conference, scheduled for 1993, on human rights. The Conference would be awaited the more impatiently since the previous World Conference had been as long ago as 1968, at Tehran. In the meantime, the very concept of human rights had undergone a great deal of change, due to fresh demographic data and the many developments in all spheres. Therefore, a new approach was called for, one which would reflect the interdependence of all determining factors.

19. The work of the Conference could follow two main lines: on the one hand, human rights violations and, on the other, a debate in principle on human rights. Dialogue should be fostered among Governments, non-governmental organizations, experts on the many themes and national institutions. The idea underlying the General Assembly's guidelines was not solely to promote an exchange of information but also to develop models of national institutions for the protection and promotion of human rights, as referred to in General Assembly resolution 44/64. In other words, the General Assembly wished to see drawn up, as an outcome of that event, a report which, while making no value judgement, highlighted the current major world institutional trends relating to human rights. One of those trends was reflected in the growing recourse to independent human rights commissions, which had a threefold role: public information, consultation at legislative level, and investigation and conciliation activities in cases of individual complaints. The Secretary-General's report on national institutions (E/CN.4/1991/23), while abundantly clear and interesting, unfortunately gave no information as to trends or models. It was rather a compilation of descriptive country-by-country analyses, which greatly diminished the document's usefulness from the viewpoint of comparative human rights law. It would be desirable for future publications on national institutions to be more substantial.

20. With regard to the methods of work of the Commission on Human Rights, the General Assembly had been requesting the Commission, since 1963, to review its programme and methods of work. The Commission must therefore make some effort at self-criticism, which was essential in order to bolster its image as the "spearhead" of human rights. It doubtless had a complex task, in view of an agenda which grew heavier each year and a membership which would be enlarged to 53 from 1992. The NGOs, by virtue of their consultative status, would like to assist the Commission in overhauling its methods of work, and had already set up, with that end in view, an ad hoc committee on human rights, which had reached a number of conclusions which it would welcome an opportunity of communicating to the Commission's working group.

21. Ms. PINTAT (Inter-Parliamentary Union) referred to a recent initiative by the Inter-Parliamentary Union designed to ensure that parliaments as institutions and parliamentarians in their personal capacity gave more sustained attention to human rights issues and to publicize parliamentary activities in that sphere. The Inter-Parliamentary Union considered that an interest in issues concerning the basic rights of individuals was part of the parliamentarian's function and that human rights were, indeed, the raison d'être of those who represented the people. With regard to Parliament as an institution, needless to say, even when its powers or the real exercise of those powers was limited, it was the expression of some degree of freedom and might be the starting point for those freedoms to gain ground.

22. At the Conference to mark the centenary if its foundation, the Inter-Parliamentary Union had adopted a resolution inviting all parliaments to set up bodies responsible for the promotion and protection of human rights. The resolution had also encouraged the formation of groups of parliamentarians to work for the release of political prisoners, and to end both torture and executions. Parliamentarians were able to bring pressure to bear on Governments which violated human rights and also on their own Governments to encourage by means of bilateral representations consistent and impartial action in that regard.

23. Pursuant to that resolution, the Inter-Parliamentary Union had carried out a survey designed to make an inventory of parliamentary bodies that dealt with questions of fundamental rights. The results of the survey appeared in the World Directory of Parliamentary Human Rights Bodies, which took the form of a compilation of data and a reference tool. The work had already been distributed to the missions, but was also available on request. Some parliaments had not yet developed bodies of that kind but nevertheless had their own view of human rights and their comments were also included in the World Directory. It should be noted that the survey itself had led to the creation of bodies within parliaments which did not already have them, and that it had encouraged the development of existing bodies. An updated version of the Directory would be published in the near future.

24. Modest though it was, that initiative by the Inter-Parliamentary Union could serve as a springboard for more determined and extensive parliamentary involvement in human rights. Parliamentarians who, by nature and because of their work, tended to be generalists, should be able to have access to support from specialists in order to pursue their human rights activities, and the Inter-Parliamentary Union hoped that its cooperation with the Centre for Human Rights would be intensified in the future.

25. Mr. TEITELBAUM (American Association of Jurists) referred to resolution 1990/76, in which the Commission had recalled that "private individuals and groups should [...] feel free to avail themselves, without fear of intimidation or reprisals, of the various procedures established by the Commission on Human Rights [...] for drawing attention to alleged violations of human rights" and said that it was "concerned about cases [...] of private individuals and groups, who, before or after cooperating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship". The American Association of Jurists wished to refer to a special case which to some extent directly concerned the Commission.

26. On 24 April 1990 at Coppet, in other words about 10 kilometres from Geneva, Mr. Kazem Radjavi, a member of the Iranian opposition, a former diplomat and human rights activist, known to many participants at the current session of the Commission, had been assassinated. On 22 June 1990, the magistrate investigating the case had issued a press release in which he reported that 13 persons were implicated in the murder, all bearers of Iranian official passports stamped with the words "Official Representative". The release had also stated that a number of clues revealed that one or more Iranian official services had been directly involved in the assassination of Mr. Kazem Radjavi, and that the painstaking investigation carried out by the police, inside and outside Switzerland, had established a link between the murder in question and others committed in Europe in recent years.

27. On 17 November 1990, the Council of State of the Republic and Canton of Geneva had stated, with reference to the assassination of Mr. Radjavi, that in the light of information in its possession, it was in a position to confirm that Iranian national figures were implicated in the case. However, in clear contradiction with the press release by the magistrate and the statements by the Council of State, at the end of September 1990, the Head of the Department of Justice and Police and President of the Confederation was reported by the daily newspaper La Tribune de Genève, as saying that as the inquiry stood, there was no proof that the murder had been organized by the Iranian Head of State or by diplomats accredited in Switzerland.

28. The American Association of Jurists was of the opinion that what was involved was an extreme or test case, since the assassination of a human rights activist had taken place in the Commission's host country, a country famous for its democratic institutions. In the event, the Swiss Federal Government had not only failed to react with the forcefulness demanded by the case, but in the person of its premier magistrate had contradicted the investigating magistrate but, to crown it all, had allowed the Iranian Government to institute libel proceedings against the daily La Suisse, which had reported the investigation by the magistrate.

29. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted resolution 1990/8 on the matter, but the American Association of Jurists considered that the Commission should also act and mandate the officers of the Commission to remain in contact with the Swiss Federal and legal authorities, particularly the magistrate in charge, so as to monitor developments in that serious case with all due attention.

30. In respect of the further promotion and encouragement of human rights, the American Association of Jurists wished to state its opinion on what the central topics of the forthcoming World Conference on Human Rights should be. First and foremost, there was the topic of the universalization of human rights Convenants and of the 1977 Protocols additional to the Geneva Conventions on humanitarian law, which incidentally were being routinely infringed by both sides every day in the Gulf war, particularly articles 50 and 51 of Protocol I relating to the protection of victims of international armed conflicts. Most major Powers had not ratified the Protocols additional to the Geneva Conventions. The champions of human rights would do well to practise what they preached.

31. The second topic on the agenda of the 1993 Conference should be the right to development and the international indictment of violations of that right. The third central topic should be popular participation, in the sense of the voluntary and conscious participation of the individual and the community in the consideration and adoption of decisions concerning them, and in the monitoring and management of resources and institutions. The American Association of Jurists considered popular participation to be the guarantee of effective respect for human rights and, by the same token, stressed the importance, at the stage of the preparatory work, of clearly stating the conditions for extensive participation by the NGOs in the 1993 Conference.

32. Mr. NZEYIMANA (Burundi) said that his country was well aware that responsibilty for the protection and promotion of human rights devolved primarily on States themselves rather than on the United Nations. Burundi approached that issue with diffidence, given that the scope for action was so

extensive and the aspirations of peoples were so great. His country had now entered a new era, since the people of Burundi, in a referendum organized on 5 February 1991, had recently adopted with 89.21 per cent of the votes in its favour the Charter of National Unity, which was directly related to the Commission's concerns.

33. After the vicissitudes of post-colonial history, for the people of Burundi, the Charter had the same value and the same significance, although not the universal scope, as some of the declarations and charters of human rights and freedoms which a number of major countries had adopted. As the President of the Republic of Burundi had said, by adopting the Charter of National Unity, the people proclaimed itself in favour of peace, rejected the division of Burundi, refused that people should die unjustly or flee from their country, and opted for a genuine democracy characterized by dialogue and discussion, mutual respect and tolerance.

34. The Charter of National Unity, the social contract of the people of Burundi, as it were, endorsed the traditional concepts of the equality of all, the dignity of the human person and the various universal human rights, including social and economic rights. However, it constituted only a step towards respect for human rights, which must find expression in positive actions.

35. The most significant positive action was certainly the recognition of full and complete religious freedom, with the suppression of the various obstacles and restrictions formerly imposed on religious confessions. Again, with a view to establishing an orderly climate, conducive to the democratic process, it was the Government's policy to encourage freedom of opinion and expression, without any constraint; for Burundi in particular and for Africa in general that constituted considerable progress. Respect for the rights of the individual and the evolution of democracy meant that today there were no political prisoners or prisoners of opinion in Burundi's prisons.

36. Following that same policy, the Government of Burundi had ratified or acceded to a number of international conventions on the protection of human rights; Burundi's instruments of accession to the two International Covenants had been deposited in New York on 9 May 1990 and it had been one of the first countries to ratify the Convention on the Rights of the Child. Following that ratification, Burundi had adopted measures to implement the Convention by creating a National Children's Council, with a Children's Foundation.

37. Where the protection of human rights was concerned, mention must also be made of the attitude of the Government of Burundi as expressed in its policy vis-à-vis refugees from Burundi, by the recognition of their right to a country. Already in 1988 Burundi had been able to bring about the repatriation and resettlement of thousands of recent refugees from Burundi who had left the country less than a year earlier. In the same context, a national commission responsible for the return, reception and reintegration of refugees from Burundi, with funds which were indeed limited given the extent of requirements, had been set up following the Special Congress of the ruling UPRONA party held in December 1990.

38. The importance given to the promotion of human rights had been demonstrated still more strikingly with the establishment, within the Central Committee of the ruling party of a human rights commission which was

discharging its mission most conscientiously. Human rights information and education were also being promoted by the introduction of the subject into the regular teaching programme. Recently, on 6 February 1991, two private organizations for the protection and promotion of human rights had been authorized, following the referendum on the Charter of National Unity.

39. In giving that assessment, the delegation of Burundi was not indulging in complacent self-satisfaction at a time overshadowed by war, by the renewed presence of famine on the African continent, by the decrease in economic growth and official development assistance and by the deterioration in the terms of trade, in other words, by threats of worsening destitution and poverty for the poorest, a situation which placed serious constraints on the development of democracy and the promotion of human rights in developing countries like Burundi.

40. Without reverting to the topic of the right to development, the delegation of Burundi, whose first statement it was, supported those speakers, and particularly the Senegalese ambassador, who had stressed the indivisible link between the right to development and the other human rights. That all-embracing approach to human rights had led Burundi to put primary emphasis in its development programme on the satisfaction of the minimum needs of the population: self-sufficiency in food, health for all (an extended vaccination programme covered 70 per cent of the children), universal access to primary education (the aim was 100 per cent schooling in the year 2000), drinking water (currently available to 45 per cent of the rural population and 97 per cent of town dwellers) and housing (construction using durable or semi-durable materials).

41. Continuing the same overall approach, one might well feel that although a fairly large number of countries in the world deserved a severe judgement by the Commission for their human rights violations, it was perhaps fair, on the other hand, to measure the commitment of countries to human rights by their sensitivity and solidarity vis-à-vis the most disadvantaged nations. The delegation of Burundi expressed the hope that the Commission, more than any other United Nations body, would deserve the confidence which the peoples of the world placed in it, by acting as positively and effectively as possible for the well-being of each individual.

42. Mr. SHEPPARD (Australia) began by referring, under agenda item 11 (b), to regional institutions for the promotion and protection of human rights since national institutions had been a subject of his delegation's previous statement. The question of regional institutions, which was of particular interest to the Australian Government, was also related to the issue of resources for the Centre for Human Rights, a subject which was also to be considered under agenda item 11. Australia was a society which was increasingly aware of its place in its own region and of the need for closer integration with the region on all levels; that included greater cooperation and exchange of information in the cause of human rights.

43. Australia wished to express appreciation to the Governments of the Philippines and of Indonesia, both members of the Commission, for their contributions in promoting discussion of human rights arrangements in the region. His delegation recognized that the political, religious and cultural diversity of the Asia-Pacific region needed especially to be taken into

account in approaching regional arrangements, but that diversity was no greater than that represented within the Commission itself, and should not be seen as precluding effective regional machinery.

44. Australia supported measures to increase the effectiveness of United Nations machinery for the promotion and protection of human rights, but considered that regional human rights arrangements fulfilled an important role, one which complemented that of the United Nations machinery and national institutions. In its view, the adoption of regional instruments on human rights in Africa, the Americas and Europe strengthened the universality of the basic principles outlined in the United Nations instruments. At the same time, each of those systems had made distinctive contributions to thinking and practice on human rights, based on particular regional perspectives and experience. Australia therefore viewed the development of intergovernmental arrangements for the promotion of human rights in the Asia-Pacific region as highly desirable.

45. While the conclusion and form of any such arrangements was, of course, a matter for the nations of the region, the United Nations could facilitate discussion and exchange of information. The Centre for Human Rights had a central role in that respect and Australia emphasized the need for adequate resourcing and support for the Centre's efforts. Australia commended the Centre for Human Rights and the Government of the Philippines for convening the first Asia-Pacific workshop on human rights in Manila in May 1990, in which several national human rights commissions had been involved, including Australia's Human Rights and Equal Opportunity Commission, in addition to a wide range of Governments and representatives of regional systems. The workshop had been particularly useful in providing information for the States in the region on existing models of human rights machinery as well as providing an appropriate forum for the exchange of ideas on the role of human rights institutions. It had demonstrated that national commissions had valuable experience to contribute to discussions at the regional and international level. The Manila workshop had thus significantly advanced the discussion of the possibilities of regional arrangements and institutions for promotion and protection of human rights.

46. Australia had also participated in the workshop held in the Cook Islands in November 1990 under the auspices of the Commonwealth Secretariat, in conjunction with a seminar held by the Centre for Human Rights on the ratification and implementation of human rights instruments. It looked forward to further cooperation between the Centre for Human Rights and Governments of the region and national institutions in promoting continued discussion in that area. The Australian Commission would play an active role wherever it could be helpful.

47. Australia continued to be concerned that the resources available for the United Nations human rights programme fell well short of what was required to meet existing and new mandates. The Centre had probably been under-resourced when the current budget biennium began in 1990, and since then the Sub-Commission, the Commission, the Economic and Social Council and the General Assembly had introduced new mandates to be serviced by the Centre. Thus, a new country rapporteur had been appointed, a new thematic rapporteur had been appointed to study the question of the sale of children, a new expert committee had been made responsible for monitoring the implementation of the

Convention on the Rights of the Child, steps had been taken to promote the early introduction into force of the future convention on migrant workers, the preparatory process for the 1993 World Conference had started and a range of new studies had been instituted by the Sub-Commission and the Commission on Human Rights. At the same time, there had been a dramatic increase in requests from Governments for technical assistance, an ever-increasing number of periodic reports by States parties and a rapid rise in the number of individual communications. That was by no means a comprehensive list.

48. That situation should not be surprising since for the vast majority of States, human rights had been taking a higher place, whether in major international declarations, such as the Non-aligned Movement Summit and the Paris Charter or in the dialogue on human rights questions in bilateral as well as multilateral relations. The United Nations was seen by a significant element of the international community, including parliamentarians, academics and the media, as a major forum, if not the major forum, for the international consideration of human rights issues.

49. What was surprising was the minuscule proportion of the United Nations budget that member States had allocated to the human rights programme, and in particular to the Centre for Human Rights. The Centre's level of resources should be more closely tied to the demands placed on it. Australia welcomed the agreement in the General Assembly on some limited interim measures to relieve the situation, but believed that a longer-term approach was essential and awaited with interest the Secretary-General's proposals for the next biennium.

50. Mr. HESSEL (France) said that it was appropriate that the Commission, under agenda item 11, should devote part of its discussions to its machinery and methods of work, since the consideration of a seemingly technical item had often allowed shortcomings to be remedied and very specific progress to be made in the protection of human rights. At the current session, pursuant to General Assembly resolution 45/155, the Commission was required to consider the preparation and organization of the World Conference on Human Rights planned for 1993, and in particular to make recommendations to the Preparatory Committee for the Conference. That international meeting would be a considerable challenge to States and to governmental and non-governmental organizations. Suitable preparations were therefore required, since the success of the 1993 Conference would depend on the Commission's imagination and good sense.

51. His delegation had noted some of the topics for exploration proposed by the General Assembly. First of all, it was clear that the standard-setting work of the United Nations in the field of human rights was both extensive and flourishing - at times perhaps excessively so - and that the question of harmony between the various texts or their interpretation often arose. The 1993 Conference would therefore certainly concern itself with considering ways and means of improving the knowledge, discussion and above all the implementation of existing international instruments. His delegation wished to stress once again the primordial importance which his country attached to the issue of the resources allocated by the United Nations for human rights activities; that issue had been raised in language that was very much to the point by the representative of Australia. The question should be dealt with comprehensively and in depth.

52. Two topics seemed particularly significant in the context of the preparations for the Conference. First there was the study of the links between development, economic, social and cultural rights and civil and political rights; an attempt must be made to clarify the concepts involved in such a study. It was too late to remain immured in the discussions of an earlier age, particularly by seeking to establish orders of seniority or priorities, in time and in space, between political rights and economic rights. Obviously, both were fundamental rights of the human person and had equal status, as the duality of the Covenants made clear. All those rights could be demanded at the same time and it was not acceptable to invoke shortcomings in the implementation of one category as an excuse to justify a delay in implementing the other. It was also clear that the effective and positive realization of civil and political rights and of economic, social and cultural rights might in some respects need time. While goodwill was indispensable, it was not always enough to guarantee fully the right to security of person, to a fair trial, to an adequate standard of living or to education. The complex relationship between categories of rights and between their immediate enforceability and their effective implementation could be clarified during the Conference and even during the preparations, provided that those issues were addressed without bias.

53. The Commission should guard against certain United Nations agencies, and his delegation was thinking of UNDP and its excellent report on human development, becoming definitive focal points for thought on the issue, when it was for the Commission to show the way and to study what might be called democratic development. It was by introducing some straight speaking on the issue that the 1993 World Conference would assist the individual efforts of each country, and at the same time international action to promote civil and political rights and to combat illness, illiteracy, and poverty which everywhere were negations of human rights.

54. Secondly, the General Assembly resolution mentioned in the context of the preparations for the Conference, the importance of international activities, but also of regional and national activities. His delegation considered that the question of national and regional human rights protection machinery should be one of the main topics on the agenda of the Conference, while pointing out that the discussions to be conducted on the role of national and regional institutions were not easy. Human rights standards were universal, and no one desired regional partitioning in their interpretation or application. The linking of national or regional machinery with that set up by the United Nations equally posed complex problems. However, the development of national and regional human rights institutions could and should constitute a major contribution to achieving the common aim.

55. His delegation entirely agreed with the views expressed at the opening of the current session of the Commission by Mrs. Quisumbing, Chairman of the forty-sixth session, on the need to develop regional cooperation for the promotion of human rights, and thought that the Commission could henceforth suggest that the Preparatory Committee for the Conference should include those issues among the possible topics for the Conference agenda. Lastly, the French delegation fully agreed with what had been said by the delegations of the Nordic countries in the statement made on their behalf by Denmark. The key words which those countries proposed should guide the Conference were dialogue and trust. Dialogue was indispensable, but there was also a need to trust in the possibility in the coming years of experiencing a new era of

international solidarity, precisely based on intercultural dialogue and the absence of ideological confrontation. His delegation hoped that the preparations for the Conference would be based on a broad consensus among all the parties concerned, on which the ultimate success of the undertaking would depend.

56. Mr. PEREIRA BURGOS (Panama) said that in the year of the twenty-fifth anniversary of the Commission on Human Rights, all Panamanians were proud to see that the work of Ricardo J. Alfaro, the first Panamanian representative at the assembly which had set up the United Nations, had produced fruitful results. Ricardo Alfaro had sponsored several important sections of the Universal Declaration of Human Rights, with which the Panamanian Government still fully complied.

57. The twentieth century had been marked by many upheavals, but also by the appearance of a new social order for individuals and States. In past centuries, the relationships between the State and its citizens had been organized from bottom to top, in other words from the individual to the public authority; henceforth, they would have to be established from the State to the individual. That new idea of an international order called into question the traditional role of the State. Jurists had long been attempting to square the circle by seeking ways and means of guaranteeing the implementation of a set of standards which had no binding force.

58. One should not lose sight of the fact that the concept of a national and sovereign State was a recent one and that despite its force, the right of nations, natural law and, in the modern world, the international order were superior to it. The establishment of a new order, contested by the political authorities, was necessary if mankind was to survive.

59. It was only to be expected that the small countries should discuss those questions while the large countries spoke of power. The Nordic countries belonged to those States which had only their strength of conviction. The representative of Denmark, speaking on behalf of the Nordic countries, had said that the World Conference on Human Rights should be based on three statements of fact: firstly, dialogue was essential to ensure that no State remained deaf to demands for freedom; secondly, States could not expect to keep national events secret since nowadays information was transmitted worldwide instantaneously, and, thirdly, there could be no development without democracy and without respect for human rights. In the light of the events of recent months, it was useful to recall certain facts although they might seem self-evident. Many Bastilles still had to be taken, but all who had known despair knew that dawn came even after the longest night.

60. He considered that statements by members of the Commission, like, for example, a perusal of the chronicles of the Conquistadores on the one hand and of the Aztecs on the other on the subject of the Americas, gave the impression that the same situation was perceived very differently by different people. The representative who had said that the protection of human rights should first be assured in a national context and afterwards by international cooperation had committed an historical error. In effect, there was already an integrated system of human rights, as defined by the representatives of all ideologies, in existence. There were national laws, regional projects, and institutions to monitor and protect. Unfortunately, the sovereign will of political power often disregarded that fact.

61. Those considerations gave rise to a number of questions. Was there really a major difference between the human rights situation in developed countries and that existing in developing countries? Was it true that only rich countries and not poor countries recognized the pre-eminence of the law? Did Nazi Germany or Franco's Spain practise an enviable system of human rights? Could it be said that Costa Rica represented an oasis of democracy in the midst of poor countries? Undeniably, the main difference was between those who were free and those who were oppressed. The international community had created a system of individual and collective protection, but it feigned ignorance of the fact that without an effective international order, such a system, which was based on the rights of individuals and not on States, could not give satisfactory results. The developed countries had their own contradictions. They had to face up to the problem of minorities which knew no ideological divisions and geographical frontiers.

62. In that context a small country like Panama raised the following questions with regard with agenda item 11: (a) How could the effective enjoyment of fundamental freedoms and human rights be improved? (b) How could national institutions for the protection of human rights be encouraged? (c) How could the activities of the Centre for Human Rights and the human rights monitoring bodies be strengthened? Lastly, how was the challenge of the 1993 Conference to be met?

63. Panama would like to hear the voice of those who were struggling for their freedom and who had no platform where they could state their views. Where respect for human rights was concerned, Panama continued to be committed to certain important ideas, namely, that the United Nations human rights standards should be accepted by the members of the Organization; non-acceptance of the competence of the bodies responsible for examining human rights violations should not be allowed, since the quest for a solution to the problems did not imply condemnation but was an aspect of cooperation among States in the higher interest of human rights and fundamental freedoms. The Government of Panama accepted the competence of all bodies set up under United Nations human rights instruments, and hoped that other Member States would do the same. To assert the exception of sovereignty in human rights was tantamount to linking the problem of human rights up with the State sector, which was contrary to the very essence of the doctrine of human rights. Moreover, the existence of non-governmental organizations, in the form of national human rights commissions or committees for the defence of the fundamental freedoms of citizens, was essential in an international system of law, and the activity of such bodies should be protected from State intervention by the competent United Nations bodies. States which did not recognize the right of supervision of the United Nations did not deserve to take part in the activities of the monitoring bodies.

64. Mr. DANNENBRING (Germany) said that the World Conference on Human Rights planned for 1993 would give the international community an opportunity to review the state of human rights at the end of the twentieth century. His delegation wished to draw the Commission's attention to a number of issues which should be taken into account by the Preparatory Committee for the Conference and by the Conference itself when considering the four main objectives of the Conference, set out in General Assembly resolution 45/155, on which the Commission on Human Rights was required to make recommendations.

65. In the context of the assessment of the progress made in the field of human rights since the adoption of the Universal Declaration, in the first place it would be useful to ascertain the value and the position of fundamental human rights in a world which had considerably changed since 1968. Human rights, peace and development had come to constitute the three main pillars of United Nations policy, and everyone knew that human rights violations endangered the maintenance of peace and impeded progress in development.

66. Secondly, the relationship between development and the enjoyment of human rights should be examined in conditions different from those in the 1970s or even the 1980s, since new concepts had emerged in the meantime, such as the notion of popular participation which had emerged in the global consultations on the right to development (1990) and the more recent deliberations within the framework of UNCTAD. The importance of popular participation had also been recognized in the ACP-EEC Lomé IV Convention.

67. Thirdly, there were several ways and means to improve the implementation of existing human rights standards and instruments. In the first place, States which had not yet ratified the relevant human rights instruments should be encouraged to do so and the Conference would perhaps be an opportunity for such States to declare their intention in that regard. It would also be desirable that the Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms should be adopted by 1993. His delegation was in favour of an expansion of the advisory services programme, so that it would become a major part of United Nations activities in the field of human rights, and it welcomed the request by the General Assembly's Third Committee for increased resources for the Centre for Human Rights. The perspective of the forthcoming World Conference should be an additional incentive to intensifying those efforts. The Conference should also examine the link between human rights violations and mass movements of people causing outflow and internal displacement.

68. In order to achieve the fourth objective, of ways and means to evaluate the effectiveness of United Nations mechanisms in the field of human rights, one very basic step would be to improve coordination among United Nations bodies dealing with human rights. For example, it would be useful if the Commission, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination were to find a common ground when considering the question of minorities. His delegation would also like the Commission to make full use of the powers available to it, and in that regard it welcomed the adoption by the Economic and Social Council of resolution 1990/48, which authorized the Commission to meet, when circumstances required, between its regular sessions. That measure was a first important step towards greater effectiveness and responsiveness in the field of human rights by the United Nations system.

69. Mr. ROA KOURI (Cuba) indicated the main points of his delegation's position on the convening of the World Conference on Human Rights, decided in General Assembly resolution 45/155.

70. First, the United Nations and, naturally, the Commission, should reaffirm their commitment to human rights, the exercise of which should be guaranteed by specific measures designed to promote social progress and raise the standard of living of individuals within a broader concept of freedom.

71. Second, the ultimate goal to be achieved was the defence of dignity and recognition of the intrinsic value of all human beings - and not only some of them - whatever the society to which they belonged, and the real and not merely theoretical equality of all men and all women, and of all nations, large or small.

72. Third, strict respect for the principle of equal rights and the right of peoples to self-determination was a pre-condition for the realization of all human rights and fundamental freedoms.

73. Fourth, the multiplicity approaches to rights and freedoms was a fact of contemporary life which was reflected in the heterogeneous structure of the United Nations which, it should be remembered, was not owned by a group of "chosen" nations. Any attempt by a State or a group of States to impose its own criteria on others contravened the obligation laid down by the Charter to show tolerance and to seek peace; in any case it was doomed to failure since a social entity could not accept concepts and institutions which were foreign to its national identity and its traditions.

74. Fifth, all human rights were inalienable, indivisible and interdependent; enjoyment of some was not possible without the realization of the others.

75. Sixth, as a corollary to the previous point, priority could not be given to civil and political rights at the expense of economic, social and cultural rights, nor the converse.

76. Seventh, the archaic idea that human rights had only an individual dimension was outmoded. Over the last 20 years, the United Nations had firmly established the legitimacy of collective rights, to which nations as a whole could aspire and among which the right to development was the most outstanding.

77. Eighth, United Nations activities should not just be based on an understanding in depth of all the problems arising in all societies, bearing in mind the political, economic and social situation in each of them, but it must also remain faithful to the principles set out in Article 2 of the Charter and the general goals of the Organization: to achieve international cooperation in solving international problems of a humanitarian nature, to work for development and to encourage respect for human rights and fundamental freedoms for all.

78. Ninth, the use of human rights for political ends was a serious obstacle to the quest for solutions and harmful to the climate of détente, to peace and to cooperation between States. Impartiality and objectiveness must govern multilateral action in the sphere of human rights.

79. Tenth, the United Nations system must continue to assign great importance, in its order of priorities, to the analysis of and quest for specific solutions to such flagrant mass violations of the rights of individuals and peoples as the persistent manifestations of apartheid and all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats to national sovereignty, as well as the persistence of an iniquitous international economic order.

80. Cuba's positions were based on the Charter of San Fransisco and on the Universal Declaration of Human Rights. They drew on the experience of a country which had struggled for more than 30 years to be able to exercise to the full its right of self-determination and to guarantee the dignity of all individuals. Cuba was very familiar with the fashionable recipes but neither the multi-party system nor the market economy had ever resolved the key problems of Cuban society. Cuba had chosen its own road and it would follow it to the end, in the certainty that it was not going against the tide of history. It had turned its back on the past for ever, with all that it had entailed by way of the flagrant negation of rights for the overwhelming majority of its people.

81. In 1977, the Cuban delegation had played a part in the adoption of General Assembly resolution 32/130. The circumstances which had given rise to that resolution had not changed and, in many cases, had even become worse. It sufficed to mention the divide between the countries subject to market conditions, prices and restrictions over which they had no control, and those which formed part of the "first world".

82. The 1993 World Conference ought to be an appropriate forum not only for considering what had been achieved since the Tehran Conference of 1968, but also what had not been achieved to date, so that priorities could be established and the course rectified. It would be advisable to begin preparations by holding a preliminary discussion in 1991 on the possible content of the work of the Preparatory Committee for the Conference, which would be meeting in a few months' time in Geneva, and in which the Cuban delegation hoped to take an active share. He supported the initiative to constitute a working party at once and which would meet during the Commission's session in order to carry out the task which the General Assembly had given the Commission in paragraph 8 of the above-mentioned resolution.

83. Agenda item 11 covered a large and varied number of issues. Where information activities were concerned, he said that his country was giving great attention to the World Public Information Campaign for Human Rights and stressed that achieving the ultimate objective of the Campaign, namely, to create a universal human rights culture would depend on the capacity of the Campaign's leaders for bringing out the diversity of approaches in that area. Among the Campaign's five main spheres of activity, Cuba gave particular importance to education, in others words, to seminars, workshops and training courses for international civil servants. A wide range of viewpoints had been represented in the course organized at Buenos Aires in November 1989, which was not always the case in activities of that kind. Furthermore, pursuant to paragraph 2 of Commission resolution 1990/72, information materials on human rights should be tailored to regional and national requirements and circumstances. Lastly, the World Public Information Campaign should make a point of rectifying the manner in which the media, such as the press, radio and television, reported human rights situations in different parts of the world. The General Assembly, in resolution 45/163, had underlined "the continuing need for impartial and objective information on the political, economic and social situations and events of all countries" (para. 7).

84. Cuba also welcomed the progress in the regional cooperation arrangements in the Asia and Pacific region as well as in the African region where stress had been laid on the participation of countries with different political,

economic and social organizations, and therefore different viewpoints on many aspects of humanitarian issues. The seminar organized in May 1990 in Manila with the cooperation of the Philippine Government had also had a wide range of participants. Personalities from other regions had also taken part in the seminar, and had provided an additional element of diversity.

85. At its previous session, the Commission had adopted resolution 1990/75, entitled "Consequences of acts of violence committed by irregular armed groups and drug traffickers for the enjoyment of human rights". Having on that occasion expressed its opinion on those problems, the Cuban delegation wished to convey its total disapproval of acts aimed at spreading terror among the non-combatant population whether in the context of the Gulf conflict or elsewhere. It equally firmly condemned activities relating to the drug traffic, particularly on account of the tragic consequences of that traffic for society, and especially for young people. Armed groups were known to be in the service of the drug barons and they could clearly be regarded as mercenaries. However, an effort should be made to avoid any confusion and to make a very clear distinction between national liberation movements on one hand and armed groups and drug traffickers on the other.

86. Mr. CABRAL (Portugal) said that his country had always wholeheartedly supported the initiative of a World Conference on Human Rights since the time was ripe for the international community to assess all that had been achieved in that sphere, as well as the problems and new challenges that remained to be solved and the ways of solving them. His delegation therefore welcomed the decision taken by the General Assembly in resolution 45/155 to convene that Conference. It would participate in the first meeting of the Preparatory Committee at Geneva in September 1991 and in the adoption of any other decisions pertaining to the Conference in a spirit of open-mindedness and of dialogue, always bearing in mind the guidelines laid down in the General Assembly resolution. Ideally, the Conference should aim at a final document to be adopted unanimously, but in view of the decisive influence it would have in the future on the role of the United Nations in the field of human rights, the participation in its preparation should be as broad as possible, not only by States but also by international and regional organizations, specialized agencies and non-governmental organizations. The expertise and experience of the chairpersons or members of human rights treaty bodies, and working groups and special rapporteurs should also be used to the full. The views of the Portuguese delegation on the preparation of the Conference were reflected in the reply given to the Secretary-General by the 12 member States of the European Community (A/45/564), and his delegation would simply emphasize the fact that in the years ahead priority should be given to ensuring the effective implementation of existing human rights instruments and that the universal dissemination of those standards through United Nations programmes on education and training, information, advisory services and supervisory machinery were thus of capital importance.

87. The World Conference should also give special attention to strengthening regional and national institutions for the promotion and protection of human rights, which also had a fundamental role to play. His delegation congratulated the Secretary-General on his excellent updated report on national institutions for the promotion and protection of human rights (E/CN.4/1991/23), which had been prepared on the basis of replies and information received from member States. It only regretted that there had

been so few replies, and, in particular, that the reply prepared by the Portuguese authorities had not been received by the Secretariat in time to be incorporated in that document. The communication by Portugal had, inter alia, referred to the new programme launched by the competent Ministry, with the aim of making justice more accessible and transparent, through public information campaigns and campaigns to combat red tape within the administration of justice, in order to ensure that the recourse machinery available was used to the full by citizens who were aware of their rights.

88. The Portuguese delegation had given full support to General Assembly resolutions 45/180 and 45/148 B, adopted without a vote, to increase the human and financial resources which the Centre for Human Rights required to discharge its responsibilities. It considered, however, that it was not enough to create additional posts in the Centre, and looked forward to the resource proposals for long-term solutions to that situation to be included by the Secretary-General in the proposed programme budget for the biennium 1992/1993, in accordance with paragraph 2 of General Assembly resolution 45/180. It regretted, however, that the interim report of the Secretary-General on the implementation of the resolution had not been presented to the Commission in time, and hoped that that delay would not impede the process of finding adequate solutions to the very serious problem of resources, to which the Commission should continue to give careful consideration.

89. Mr. BOSSUYT (Belgium) said that his delegation welcomed the adoption by the General Assembly of resolution 45/155 concerning the World Conference on Human Rights, which defined the guidelines for the Conference. The Belgian delegation, whose point of view had already been expressed in the joint reply of the 12 member States of the European Community to the Secretary-General (A/45/564) considered that the framework established in the resolution should be respected and made explicit. In his delegation's opinion, the work of the Conference should be predicated on a long-term view and therefore be more general than that of the General Assembly or the Commission on Human Rights. As at the first World Conference at Tehran in 1968, the work would lead to the adoption of a final document which could take the form of a proclamation. The central topic should be the universal nature of human rights as set out in the Charter of the United Nations and specified in the Universal Declaration on Human Rights.

90. Most of the work of standard-setting, in other words the establishment of those rights and freedoms in the form of legally binding texts, had by and large been achieved, and the next step was to ensure the implementation of those instruments by improving the working of the machinery set up for the purpose and strengthening the procedures established within the Commission on Human Rights. The inadequacy of the means available to the Centre for Human Rights meant that the mechanisms, which were increasingly numerous and increasingly complex, could not be used efficiently. It was time for the United Nations and its States Members to give the Centre for Human Rights the resources vital for carrying out the tasks entrusted to it and for the high level of priority given to human rights in statements to be reflected in adequate budgetary allocations. Apart from the question of resoures necessary to ensure the operation of human rights programmes, there was also a need for in-depth consideration of the relationship between human rights and development on the one hand and between human rights and democracy on the other.

91. Where methods of improving the work of the Commission on Human Rights were concerned, the Belgian delegation welcomed the adoption, without a vote, of Economic and Social Council resolution 1990/48. Some of the recommendations and decisions contained in that resolution required explanations which it was for the Commission on Human Rights to make, particularly concerning the meeting of the officers during the week following the session of the Commission and the exceptional meeting of the Commission between its regular sessions, if the majority of its members so decided. The Belgian delegation wondered if the Commission on Human Rights could not support some of the proposals contained in the draft resolution prepared by the informal working group on the study of means of increasing the efficiency of the Commission's work, contained in document E/CN.4/1990/WG.3/WP.13. An agreement had, in fact, been reached within the Economic and Social Council. The Commission could therefore adopt a draft restructured provisional agenda as indicated in the annex to the draft resolution in question, and then ask the Secretary-General, on that basis and in consultation with the officers at the meeting they would hold during the week following the session of the Commission, to prepare a draft provisional agenda which would be submitted to the Commission at its following session. In the opinion of the Belgian delegation, a rationalization of the agenda along those lines could contribute to enhance the efficiency of the work of the Commission.

92. Mr. BENHIMA (Morocco) said that his country was confident that the advent of a free, just and prosperous society was closely bound up with the promotion of and respect for human rights, and that it was anxious to participate in international cooperation in that regard. It was for that reason that Morocco had included the practice and enjoyment of human rights among its major ambitions, to the achievement of which the Government, the Parliament, the political parties, the universities, the trade unions and human rights associations contributed. The principles proclaimed in the Universal Declaration and the rights set out in the International Covenant on Civil and Political Rights were the rights which the Constitution of Morocco conferred on all Moroccan citizens without distinction on the grounds of race, language, religion, political opinions or sex. Every sphere of social activity was governed by a code or a law which reflected those principles and standards and made provision for protection and recourse procedures. Appeals could be lodged against both individual and public law juridical persons, including the State, according to the provisions of the Dahir (decree) of 12 August 1913, revived in 1974, which had been supplemented by the creation of administrative courts with competence to judge the actions of the public authorities.

93. Morocco had three organizations for the protection of human rights - the Moroccan Human Rights League, set up in 1972, the Moroccan Association of Human Rights which had appeared in 1979, and the Moroccan Human Rights Organization founded in 1988, which operated at different levels (administrative, judicial and parliamentary) and ensured that the public was informed. In addition, in May 1990, H.M. King Hassan II, had established, pursuant to article 19 of the Constitution, the Human Rights Advisory Council, with representatives of the political parties, the trade union federations and non-governmental human rights organizations, as well as representatives of the associations of magistrates, of university teachers, and of physicians, of the Council of the Ulema, a representative of the Jewish community and other personalities selected for their competence in human rights and their high moral standing. The Council was presided over by the first President of the

Supreme Court and its mission was to study certain questions, either at the request of H.M. the King, or on its own initiative. In November 1990, it had set up three working groups respectively responsible for issues concerning (i) police custody and pre-trial detention, (ii) the prison situation and (iii) informing the public and contacts with foreign human rights organizations. Its main role was to strengthen the rule of law and to protect human rights and the rights of the individual against all abuses and excesses of authority, and its recommendations had already led to the adoption of a set of decisions and measures to which the Moroccan delegation would revert.

94. In view of the importance of the role of the Centre for Human Rights in establishing and strengthening national and regional institutions for the promotion, respect and development of human rights, his delegation supported all efforts to increase the resources of the Centre, whose tasks continued to grow, particularly by providing it with the necessary support for the new monitoring machinery, for example, the Committee on the Rights of the Child.

95. His delegation was also satisfied with the decision taken by the General Assembly to convene a World Conference on Human Rights in 1993, as extremely important changes had taken place since the Tehran Conference in 1968, particularly in respect of standard-setting and the enjoyment of human rights. The Conference should enable the current situation to be reviewed and a programme of action would be submitted opening the way to a new era of justice and peace. His delegation was prepared to take on the task of coordinating the various proposals concerning the recommendations which the Commission on Human Rights would submit to the Preparatory Committee for the Conference which would meet at Geneva in September 1991. It noted that a draft based essentially on the provisions of General Assembly resolution 45/155 had been circulated.

The meeting rose at 1 p.m.